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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 05-00288 RMW
Plaintiff,)	
v.)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME
MARIO PONCE,)	
Defendant.)	SAN JOSE VENUE

On October 30, 2006, the undersigned parties appeared before the Court for a status appearance. At that appearance, Assistant Federal Public Defender Lara Vinnard informed the Court that the defendant needed to meet with his immigration counsel regarding the outcome of his collateral attack on his state conviction. Therefore, the parties requested that the case be continued to November 13, 2006 at 9:00 a.m. In addition, the parties request an exclusion of time under the Speedy Trial Act from October 30, 2006 to November 13, 2006. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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1 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

2
3 DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

5 DATED: _____

/s/
LARA S. VINNARD
Assistant Federal Public Defender

8 Accordingly, for good cause shown, the Court HEREBY ORDERS that the status hearing
9 be continued to November 13, 2006 at 9:30a.m.

10 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from
11 October 30, 2006 to November 13, 2006. The Court finds, based on the aforementioned reasons,
12 that the ends of justice served by granting the requested continuance outweigh the best interest of
13 the public and the defendant in a speedy trial. The failure to grant the requested continuance
14 would deny defense counsel reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence, and would result in a miscarriage of justice. The Court
16 therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A)
17 and (B)(iv).

18 SO ORDERED.

19
20 DATED: 11/17/06 _____

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States Magistrate Judge